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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,448

10/08/2003

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130332.00079

9392

82744 7590 08/14/2009

AT&T Legal Department - JW

Attn: Patent Docketing

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EXAMINER

CARLSON, JEFFREY D

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

08/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This action is responsive to the paper(s) filed 5/1/2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over HERZ et al (US 2001/0014868) in view of Roth et al (US6285987).

4. Regarding claims 1, 2, 9, 14, HERZ et al teaches a dynamic, electronic, customized advertising system where online shoppers are profiled based on demographics as well as online shopping and purchasing history (collecting user data during prior web site visits) [¶ 0030-0033]. Users identify themselves to the web-based system and then may browse an online catalog for particular products, thus defining a “goal” for that user [¶ 0035, 0036]; this product-browsing is taken to provide receiving web site requests for web content by at least 1st and 2nd identified users. The system then references the user profiles and the defined “goal” and determines customized advertising/information to be presented to the identified user or type of shopper in order to provide the most effective visual and textual ads...Displayed content can be subtly rearranged, lengthened or shortened from one type of shopper to the next [abstract, ¶ 5]. Herz et al states that users may be clustered into groups and treated at the group

level [0158]. This is taken to be equivalent to applicant's various user models and customizing the content at the model level [spec page 7 lines 5-10]. HERZ et al also does not appear to teach determining the user's group/model according to a type of Internet service or according to a type of browser used. However, Roth et al teaches customizing content to viewers having particular sets of characteristics (i.e. user groups/models) [abstract] whereby the user groups/types/models can be defined not only according to demographics and browsing history [2:14-18] but also according to other user characteristics such as IP information, domain name and browser type [10:38-51]. It would have been obvious to one of ordinary skill at the time of the invention to have included such Internet service type data and browser type data in the user grouping of HERZ et al and to have stored the groups/models and the customized information in a database so the system can systematically determine if the current identified user matches (i.e. belongs) to such a group so that user may then be delivered with the appropriate customized information. Herz et al's description that the customization of the information may include "rearrangement" of the product information screen [abstract, 0005: "detailed product information screens can be subtly rearranged from one type of shopper to the next."] is taken to provide for delivery of the same content information to the browsers of differently grouped users requesting the same product information, but with the visual aspects/formatting of that information differing according to the users profile grouping.

5. Regarding claims 3-8, 15-16, applicant's naming of different user models with various terms (savings-focused, cost-focused, etc) does not limit or further define the

method steps claimed. However, HERZ et al teaches that different groups can be identified as this is taken as teachings for different “models.” Further HERZ et al specifies selective profiling and subsequent treatment for shoppers according to price sensitivity [¶ 5] as well as those who traditionally purchase lower cost alternatives within a certain product category [¶ 73]. It would have been obvious to one of ordinary skill at the time of the invention to have identified any type of customer group so that they may be treated similarly and more effectively according to their tendencies. Further still, the pricing (flat price of \$25, a \$25 sale price from \$35, 50% off of a \$50 item) can be presented according to the type/model of shopper and their cost or savings tendencies. HERZ et al teaches that the system can be used for any type of products and it would have been obvious to one of ordinary skill at the time of the invention to have presented customized technology ads for shoppers who have showed interest in technology products.

6. Regarding claims 12-13, 17, 19, the system of HERZ et al is taken to be a system where profile collection and custom advertisement selections are made in real time as the user is online.

7. Regarding claim 18, any of the group treatments can be taken to meet the broad “default” format. However applicant has not claimed any specific implementation of how/when the default format is used. Nonetheless, HERZ et al may not specify a default content to display to a default user, but it would have been obvious to one of ordinary skill at the time of the invention to have displayed some ad content/formatting to a particular new user until a meaningful user profile can generated over time as the

user shopped using the system, where after the user could then be treated to a more customized experience.

Response to Arguments

8. Applicant's arguments filed 5/1/2009 are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

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